

IN THE CLAIMS

Please **cancel** claim 44 without prejudice.

Please **amend** the claims as follows:

1. (Canceled)
2. (Canceled)
3. (Canceled)
4. (Canceled)
5. (Canceled)
6. (Canceled)
7. (Canceled)
8. (Canceled)
9. (Canceled)

10. (Canceled)

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Canceled)

22. (Canceled)

23. (Canceled)

24. (Canceled)

25. (Previously presented): A transforming interactive amusement device

comprising:

- (a) a body;
- (b) at least two transport elements moveably connected to the body;
- (c) at least two arms moveably connected to the body;
- (d) a motor associated with the body, the motor operably coupled to the at least two transport elements;
- (e) a microprocessor operably coupled to the motor, the microprocessor being configured to command the motor to perform an action;
- (f) a key receiving device associated with the body, the key receiving device configured to receive a keying device which actuates data transfer to the microprocessor, wherein the data enables a function of the device;

- (g) a swipe card reader configured to read a swipe card, the swipe card reader is associated with the body and the swipe card reader is operably coupled to the microprocessor;
- (h) a wireless receiver associated with the body, the wireless receiver configured to receive a wireless communication and transmit the wireless communication to the microprocessor;
- (i) a unit wireless transmitter associated with the body, the unit wireless transmitter operably coupled with the microprocessor and capable of wireless communication with a second interactive amusement device; and
- (j) a remote wireless transmitter operably coupled by wireless communication with the wireless receiver; wherein
- (k) the device transforms into at least two different forms.

26. (Previously presented): The amusement device of claim 25, wherein the keying device is an electromechanical keying device.

27. (Previously presented): An interactive amusement system comprising:

- (a) a body;
- (b) a motor associated with the body;
- (c) a microprocessor operably coupled to the motor, the

microprocessor being configured to command the motor to perform an action;

- (d) a wireless receiver associated with the body, the wireless receiver configured to receive a wireless communication and transmit the wireless communication to the microprocessor;
- (e) a unit wireless transmitter associated with the body, the unit wireless transmitter operably coupled with the microprocessor and capable of wireless communication with a second interactive amusement device;
- (f) a remote wireless transmitter operably coupled by wireless communication with the wireless receiver;
- (g) a key receiving device associated with the body, the key receiving device configured to actuate the microprocessor when a keying device is inserted into the key receiving device; and
- (h) a swipe card reader configured to read a swipe card, whereby a function of the microprocessor is modified.

28. (Previously presented): The interactive amusement device of claim 27 further comprising at least two transport elements, the microprocessor being configured to control speed of travel by controlling the at least two transport elements.

29. (Previously presented): The interactive amusement device of claim 27 further

comprising armor, the microprocessor being configured to control positioning of the armor.

30. (Previously presented): The interactive amusement device of claim 27 further comprising a weapon, the microprocessor being configured to control at least one function of the weapon.

31. (Previously presented): The interactive amusement device of claim 27, wherein the keying device is a flag having a base, wherein the base is configured to be received in an engagement slot on the body.

32. (Previously presented): The interactive amusement device of claim 31, wherein the base and engagement slot each have a mating shape so as to prevent a second flag having an incompatible shape from being received in the engagement slot.

33. (Previously presented): The interactive amusement device of claim 27, wherein the keying device is an attachment having a peg, wherein the peg is configured to be received in an engagement slot on the body.

34. (Previously presented) The interactive amusement device of claim 33, wherein the peg and the engagement slot each have a mating shape so as to prevent an attachment having an incompatible shape from being received in the engagement slot.

35. (Currently amended): An amusement apparatus comprising:

- (a) a body;
- (b) a motor associated with the body;
- (c) a microprocessor operably coupled to the motor, the microprocessor configured to actuate the motor to propel an action;
- (d) a shape-specific key receiving device, the shape-specific key receiving device configured to be actuable by a shape-specific key whereby the microprocessor is actuated; and
- (e) a swipe card reader adapted to receive enhancement data from a swipe card and to transmit the enhancement data to the microprocessor after said swipe card has been swiped, wherein the enhancement data is adapted to provide an enhanced function of the apparatus , and wherein said swipe card reader of said apparatus is also adapted such that one or more additional swipes of said swipe card while the apparatus is in operation results in said enhanced function being further enhanced ~~said enhanced function comprises at least enhancing a function which has already been activated .~~

36. (Previously presented): The amusement apparatus of claim 35, further comprising:

- (a) a wireless receiver associated with the body, the wireless receiver

configured to receive a wireless communication and transmit the wireless communication to the microprocessor;

- (b) a unit wireless transmitter associated with the body, the unit wireless transmitter operably coupled with the microprocessor and capable of wireless communication with a second interactive amusement device; and
- (c) a remote wireless transmitter operably coupled by wireless communication with the wireless receiver.

37. (Previously presented): The amusement apparatus of claim 35, further comprising at least two moveable elements moveably coupled to the body, each of the at least two moveable elements moveably coupled by one of at least two couplings.

38. (Previously presented): The amusement apparatus of claim 37 wherein the body and the at least two moveable elements are reconfigurable whereby the apparatus is transformable.

39. (Previously presented): The amusement apparatus of claim 38 wherein the at least two couplings are configured to allow the body and the at least two moveable elements to be reconfigurable.

40. (Currently amended) The amusement apparatus of claim 35, wherein said

function which ~~is to be~~ has been enhanced comprises one or more of mobility, speed and defense, ~~and wherein at least one of said functions enhanced must have been activated prior to being enhanced.~~

41. (Currently amended) The amusement apparatus of claim 40, wherein said further enhanced function comprises increased speed of the device ~~once the speed of the device has already been activated.~~

42. (Currently amended) The amusement apparatus of claim 40, wherein said further enhanced function comprises increased mobility of the device ~~once the mobility of the device has already been activated.~~

43. (Currently amended) The amusement apparatus of claim 40, wherein said further enhanced function comprises increased defense of the device ~~once the defense of the device has already been activated.~~

44. (Canceled)

Please **add** the following new claims:

45. (New): An amusement apparatus comprising:

(a) a body;

- (b) a motor associated with the body;
- (c) a microprocessor operably coupled to the motor, the microprocessor configured to actuate the motor to propel an action;
- (d) a shape-specific key receiving device, the shape-specific key receiving device configured to be actuable by a shape-specific key whereby the microprocessor is actuated; and
- (e) a swipe card reader adapted to receive enhancement data from one or more different swipe cards and to transmit the enhancement data from each of said one or more different swipe cards to the microprocessor to enhance one or more functions of said apparatus, said one or more functions enhanced will depend upon which of said one or more swipe cards has been swiped through said swipe card reader, and wherein said swipe card reader of said apparatus is also adapted such that one or more additional swipes of said one or more different swipe cards while the apparatus is in operation results in said one or more functions enhanced being further enhanced .

46. (New) The amusement apparatus of claim 45, wherein said apparatus is a portable toy.